

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

APPLICATION NO:
P/2021 /1057

LOCATION:
LAND OPPOSITE OF ST PETERS
CLOSE LLAY NEW ROAD
RHOSROBIN WREXHAM
LL11 4RB

DATE RECEIVED:
29/10/2021

COMMUNITY:
Gwersyllt

CASE OFFICER:
SEH

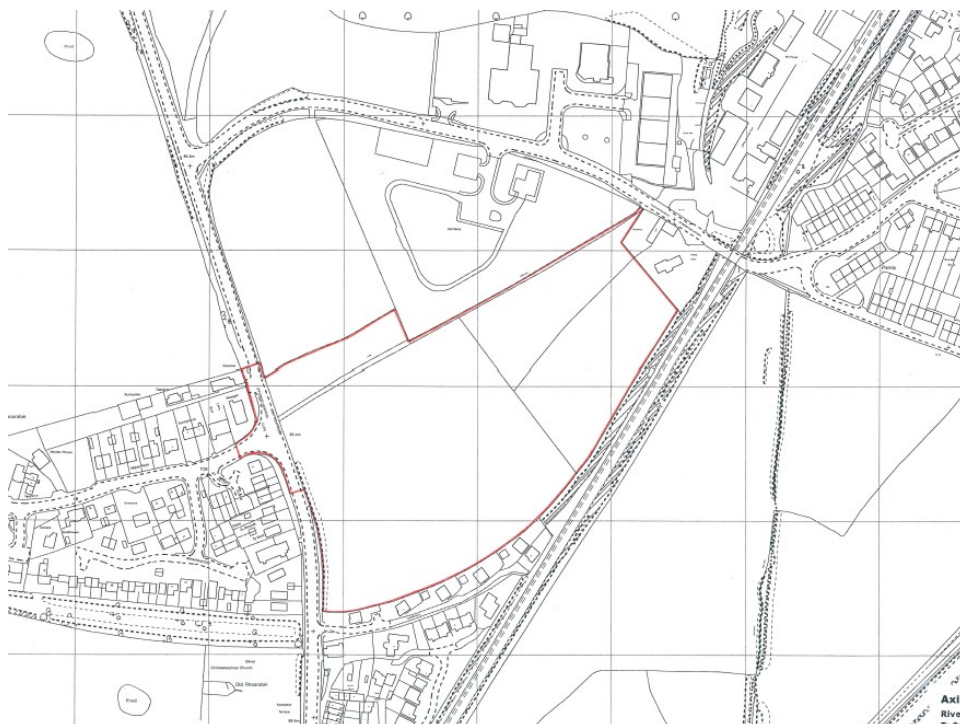
WARD:
Gwersyllt South

DESCRIPTION:
CODI 92 ANNEDD GAN GYNNWYS
DARPARU CYLCHFAN AR FFORDD
NEWYDD LLAI, FFYRDD MYNEDIAD
MEWNOL, MAN AGORED
CYHOEDDUS, ARDAL CHWARAE A
CHADW LLWYBR TROED SY'N
BODOLI / ERECTION OF 92
DWELLINGS INCLUDING
PROVISION OF ROUNDABOUT ON
LLAY NEW ROAD, INTERNAL
ACCESS ROADS, PUBLIC OPEN
SPACE, WILDLIFE AREA, PLAY
AREA AND RETENTION OF
EXISTING FOOTPATH ROUTE

AGENT NAME:
NIGEL THORNS

APPLICANT(S) NAME:
SG ESTATES

THE SITE



PROPOSAL

The application proposes:

- The erection of 92 dwellings, including 23 affordable dwellings;
- The installation of a roundabout at the Llay New Road / Rhosrobin Road incorporating the vehicular access to the development;
- Public open space and ecological mitigation.

HISTORY

Part of the application site and part of the land now occupied by Plas Acton Cemetery

GWE 18138 Industrial development (2 plots) and construction of estate road.
Refused 30/7/1990

GWE 19113 Industrial development (4 plots) and construction of new
vehicular and pedestrian access. Refused 8/4/1991.

Application site plus the land now occupied by Plas Acton Cemetery

GWE 13491 Residential development (128 three and four bedroom detached
houses with double garages) and construction of new vehicular
and pedestrian access. Refused 12/1/87

Application site only

P/2014/0480 ERECTION OF 117 DWELLINGS, INCLUDING PROVISION OF
ROUNDAABOUT TO PROVIDE ACCESS, NEW INTERNAL
ACCESS ROADS, PUBLIC OPEN SPACE AND RETENTION
OF EXISTING FOOTPATH ROUTE. Refused 1/7/2014. Appeal
dismissed 3/7/15

P/2014/0870 ERECTION OF 111 DWELLINGS, PROVISION OF
ROUNDAABOUT ON LLAY NEW ROAD, INTERNAL ACCESS
ROADS, PUBLIC OPEN SPACE INCLUDING WILDLIFE AREA
AND RETENTION OF EXISTING FOOTPATH. Refused
2/2/2015

DEVELOPMENT PLAN

Local Development Plan (LDP)

Part of the site is within a defined settlement limit and allocated for housing
and part of the site lies outside of a defined settlement limit and within a
Green Wedge. Policies SP1, SP2, SP5, SP6, SP13, SP14, SP18, SP19, H1,
H2, NE1, NE3, NE6, DM1, CF2, T1 and T2 apply.

CONSULTATIONS

Community Council

Objects on the following grounds:

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

- The site is in the Green Barrier and outside of the settlement limit. The development would serve to encourage coalescence between town and country;
- The proposal conflicts with the UDP and is contrary to planning policies put in place to protect belts of open countryside and to safeguard the character of villages;
- The community of Gwersyllt is becoming a regular target for new development at a time when the County Borough is without a Local Development Plan. This is putting the community under great pressure and is contrary to Welsh Government policies which promote the building of sustainable communities whilst retaining their character and distinctiveness;
- Prematurity because Wrexham is without a Local Development Plan at this time. The development proposals are so substantial that any decisions need to be taken in the context of an approved development plan;
- The proposals would have a significant impact on the nearby settlements;
- A huge increase in traffic on the neighbouring highway network, presenting increased highway safety issues, congestion and speeding. In addition, the Community Council have expressed concerns about noise and disturbance resulting from the proposed use as well as the increased problem of air pollution and its impact on public health;
- One of the main objects of the planning system is to contribute to the achievement of sustainable development. However the Community Council are concerned that the proposed development would impact on local infrastructure and intensify pressures on already overstretched local services;
- The destruction of a number of mature trees and agricultural hedgerows, resulting in a loss of biodiversity.

Local Member

Objects for the following reasons:

- Urban sprawl resulting in loss of the individual identities of Rhosrobin and Pandy, and an unnecessary coalescence of these unique communities;
- Increased traffic congestion on already busy roads and busy junctions.
- Loss of further precious green space;
- Loss of the established wildlife and trees on the proposed development field;
- Increased air pollution, when ironically the neighbouring A483 has permanent speed restrictions to lower emissions of nitrogen dioxide; and
- No thought given to extra infrastructure to deal with the increase in population and demand for local services.

Comments that an on-line petition objecting to the proposed 92 house estate has reached almost 300 signatures. Signatures are from neighbouring

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

properties as well as the wider communities of New Rhosrobin, Old Rhosrobin, Gwersyllt, Pandy, Bradley and Llay, as they are also acutely aware of the multifaceted negative impacts the proposed development would have on them.

The developers have already publicised these proposed houses for sale on their website, even before the planning application has been discussed by Wrexham Council. This has caused anger and insult to the neighbouring residents, who are asking how can this be allowed? Is it any wonder that people feel that certain planning decisions are 'foregone conclusions', and no amount of objecting will have any impact on the final decision.

Local residents feel that this is a 'step too far', and additional houses are not needed in an area which has already seen planning permission granted for over 800 houses since 2019.

Although the land in question forms part of the LDP(2), the Local Member notes that the land is actually identified as 'green space' in the UDP. As the LDP has still not been officially accepted, the Local Member is of the view that the UDP takes precedence, and therefore the proposed development should be refused Planning permission, as well as taking into consideration the major objections already stated.

The Local Member notes that the original Traffic Assessment performed in 2021 is still part of the Application. The Local Member questions the accuracy of this due to Covid. The Local Member has suggested the developers repeated the TA but have not included the data because it does not fit in with their narrative about low impact on traffic movements in the area.

The Local Member also submitted the following detailed comments;

- The land in question is 75% BMV Grade mainly Grades 2 and 3a with the remaining portion Grade 3b (25%). The land is therefore ring fenced under Wrexham CBC UDP Policy EC2 and PPW 11 Paragraphs 3.58 and 3.59 and should not be built out as the land cannot be restored in the future to greenfield status as required by these planning requirements. The survey data has not been accredited by WG ALC so that absolute reliance on the Developers Consultant Agricultural Soil Classification or conclusions on future use cannot be accepted without Official WG ALC verification;
- Future Wales 2040 (Chapter 27) requires the protection of BMV land for long term food production and The Welsh Government Rural Affairs (ALC) has expressed concern regarding the loss of any BMV land as there is only about 10% left in Wales and it should be protected as a finite resource. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development. No such need has been shown and no sequential search has been demonstrated as required by PPW11 Paragraph 3.59;

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

- The land is located in a Green Barrier (Green Wedge) and is situated outside the settlement boundary and such development contravenes Wrexham CBC UDP Policy EC1, PS1, PS3 and H5. Policy EC1 of the UDP only permits development within a green barrier (green wedge) if it is for *“agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses of land which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it”*. The development does not accord with any of this requirement;
- The purposes of the Green Barrier (Wedge) set out in paragraph 5.2 of Wrexham CBC UDP reflect those in PPW 11 and include: *“to prevent the coalescence of urban areas and villages with other settlements; assist in safeguarding the countryside from encroachment; and to protect the setting of an urban area”*. This development therefore conflicts with the purposes of including the land within the Green Barrier (Wedge) as well as failing to maintain openness. Development on this site will result in the coalescence between Pandy and Rhosrobin which is contrary to WCBC Policy EC1 and National Planning Policy;
- PPW11 states in paragraph 3.73 that inappropriate development in a Green Belt or Green Wedge should not be granted planning permission *“a presumption against inappropriate development will apply”*. 92 houses in this location are clearly inappropriate development;
- The site appears to lie totally within a Special Landscape Area as denoted by Wrexham Land Map 8 and therefore development within such an area is contrary to WCBC UDP policy EC5 and should not be permitted. It has been shown at the LDP EiP Hearings that the Special Landscape Review carried out in 2017 failed to consider 20 of the 27 Special Landscape areas within the Wrexham County Borough and Land Map 8 was one of the areas not included and would be subject to WCBC Review after the Deposit LDP has been approved. As the LDP has not yet been approved, the Special Landscape Area relating to Land Map 8 is most relevant in this context. Land Map 8 Gwersyllt, Llay Gresford & Borrass States: *Landscape sensitivity: The landscape is under very high pressure. It is highly vulnerable to further sand and gravel quarrying - irreversible loss of character would result from any major schemes. High quality arable land is vulnerable to future residential, recreational highway, and commercial development;*
- Wrexham has a 5 year Land Bank, as evidenced by their LDP Document BP08b Table 19, so that the developers claim that houses are needed in Wrexham can carry no weight in their attempt to justify the development especially as the WG population predictions continue to show a falling population which by 2028 will result in a surplus of nearly 500 houses without the addition of these proposals and of those properties currently in the pipeline;

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

- The infrastructure cannot sustain any further burdens by such development as the Medical Practices covering Pandy Gresford, Marford and Rossett and Llay cannot cope which contravenes the provisions of PPW11 Paragraph 3.21;
- The proposed layout is unsatisfactory as the space between dwellings is inadequate to accommodate vehicle parking to satisfy WCBC LPG 16 & LPG30 with the result that there is a shortfall of 61 parking spaces. The total parking should provide 249 parking spaces but there are only 188 and over 50% have tandem parking and no turning circles to obviate backing into the roadway. The parking layout with a major proportion of parking spaces in front of the housing does not accord with the WCBC design layout guidance LPG30;
- The Affordable Houses are located all together and as a result fail to satisfy WCBC LPG 28. The Local Planning Guidance requires the affordable houses to be dispersed amongst the development e.g. *be distributed throughout a development and not result in all of the affordable housing being concentrated in one part of the site*;
- The Affordable flats do not accord with the design requirements as there is no external storage visible on the layout plans. Each flat should be provided with 1.5m² external storage space for cycles etc and this is clearly lacking in the proposals thus in contravention of WDQR Standards 2021.

Highway Officer

Raises no objection.

The Highways Officer notes the Transport Assessment shows that the Plas Acton Road / B5425 Llay New Road junction would operate within capacity with traffic generated by the development traffic included, assuming it has been upgraded to signal controlled.

The Highway Officer notes that capacity at Llay New Road / Rhosrobin Road would be similar with traffic generated by the development and the proposed roundabout, than would be the case if the development did not proceed and no changes to the junction were carried out. The Highway Officer therefore agrees with the TA findings that the development would not have a detrimental effect on traffic flow.

The Highway Officer confirms that the accident record of the surrounding road network raises no concerns. The Highway Officer considers the site layout is acceptable, but notes that some 3 bedroom properties have 3 parking spaces where as the 5 bedroom properties only have 2 spaces.

Public Protection Officer

Raises no objection. The Public Protection Officer accepts the conclusions of the Noise Assessment, Air Quality Assessment and the findings of the Dust Management Scheme.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

Ecology Officer

Raises no objection subject to the long term management of the habitat mitigation area being secured by a Planning Obligation.

Tree Officer

Raises no objection subject to a condition to require an Arboricultural Impact Assessment.

Education Department

Advises that there is insufficient secondary school provision in the locality to accommodate pupils generated by the development. Recommends that financial contributions be secured towards projects at Ysgol Bryn Alyn.

Ramblers Association

Raises no objection but notes that the development is near footpath Gwersyllt no.30 which should not be diverted or blocked up by the development or during construction.

Welsh Government (Trunk Roads)

Does not issue a direction.

HSE

Do not advise against the development on safety grounds.

Welsh Water

Raises no objection. Welsh Water has confirmed that Five Fords Waste Water Treatment Works has:

- Capacity to treat additional wastewater from the proposed development within revised environmental permit limits; and
- That the sewer network and WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

NRW

Raises no objection subject to conditions being imposed in respect of land contamination, foundation details, the Ecology Report being identified as an approved document and a biosecurity risk assessment.

NRW expressed concern about foul drainage and the potential for the development to increase phosphorous levels being discharged from the site. However, this response pre-dated the recent review of the Five Fords WWTWs Environmental Permit.

CPAT

Raises no objection. CPAT notes that the submitted Archaeological Evaluation identifies two features that are possibly of archaeological origin and that additional investigation is required. CPAT therefore recommends a condition to require the implementation of a programme of archaeological work, prior to commencement of development.

Press Notice

Expired 3/12/2021

Site Notice

Expired 29/11/2021

Neighbours

51 representations objecting to the application for the following reasons:

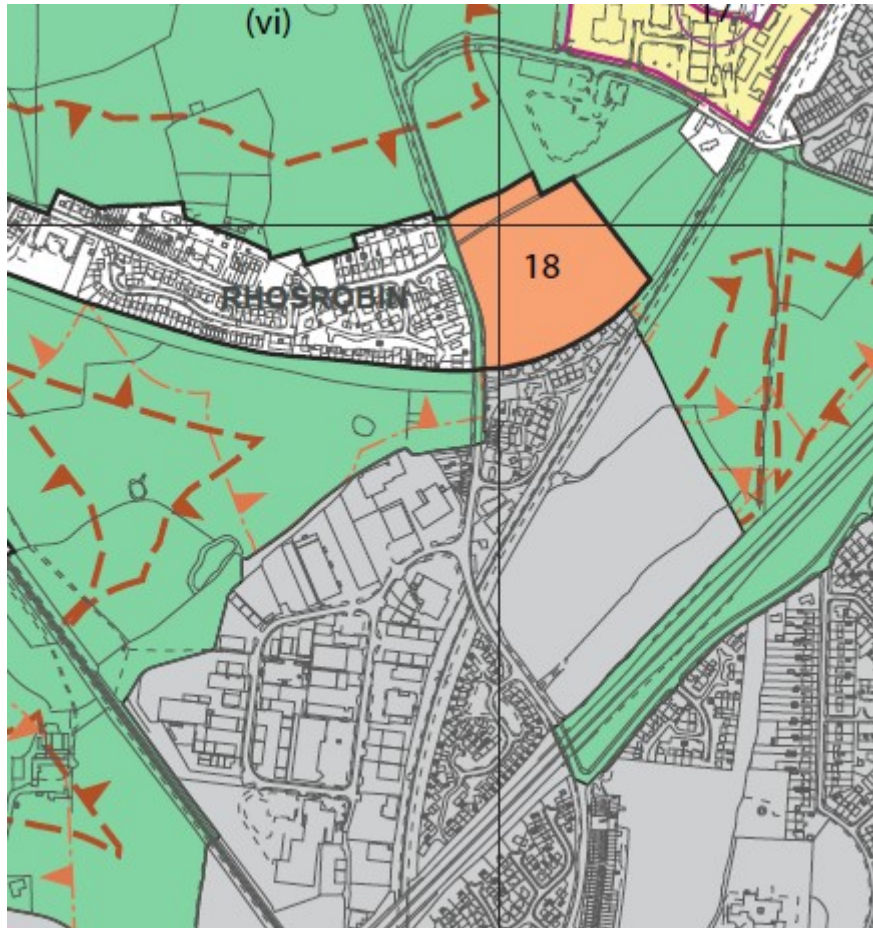
- This is Green Barrier Land and open countryside which should not be built upon;
- Development will take land which will be needed to extend the adjacent cemetery;
- The Noise, dust, pollution and vibration generated by the development will cause disturbance, as will the noise from increased traffic congestion which will be unacceptable;
- Loss of hedges and habitat would result and the proposed mitigation and compensatory measures are not sufficient;
- Lack of accessibility to the nearby shopping precinct;
- Lack of amenities and health services (doctor and dentist etc.);
- Rush hour traffic will not be sustainable;
- The roundabout will not be safe and the queue lengths will be unacceptable;
- The submitted Travel Plan, Transport Assessment and Safety Audit demonstrate the issue with this development;
- Junctions are too busy now;
- Potholes will get worse;
- Housing will fail to be affordable or for local need;
- Development will merge Pandy, Rhosrobin and Gwersyllt;
- Development will hinder use by local residents who walk, jog and walk dogs here;
- Loss of green space and more urban sprawl is unacceptable; and
- The proposed pond will represent a health and safety risk to residents.

1 representation supporting the application for the following reasons:

- The shortage of housing drives property prices up to unaffordable levels and prevent young people from getting their first home; and
- This development is urgently needed.

SPECIAL CONSIDERATIONS

Principle of Development: The proposed dwellings would be located on land within the settlement limit and allocated for residential development in the LDP. The principle of development on this part of the site is therefore acceptable. An extract from the LDP proposals map is included below:



LDP policy H1 allocates the site for 79 dwellings. However this is not a maximum. The number of dwellings delivered on each allocated site will ultimately be determined on a case by case basis. The application proposes 92 dwellings. The provision of an additional 13 dwellings would contribute to windfall development. Windfall developments are expected to make an important contribution to the housing supply delivered over the LDP plan period. Furthermore, there has been a significant under delivery of housing over the LDP plan period to date. The LDP's Annual Average Requirement (AAR) is for 517 dwellings to be completed each year. The table below demonstrates that the AAR has been not been achieved in any year since 2013.

Housing Completions Wrexham LDP 2013 -2028 Plan Period	
2013-2014	215
2014-2015	235
2015-2016	199
2016-2017	328
2017-2018	222
2018-2019	362
2019-2020	198
2020-2021	202
2021-2022	205

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

2022-2023	351
Average	252

The significant under supply of housing over the LDP plan period today is a consideration that weighs heavily in favour of the additional 13 dwellings over and above the LDP allocation for 79. The proposed development would also deliver 23 affordable units, 3 more than a development of 79.

The density of the proposed development means that the majority of the public open space and the ecology mitigation area would be situated outside of the LDP settlement limit and within a Green Wedge. However neither PPW11 nor the LDP specifically prevent the use of land outside of settlements for either purpose. The key consideration is whether the proposed uses would harm the openness of the Green Wedge or represent a harmful intrusion into the countryside. These matters will be considered further below, however there is no policy objection in principle to the location of the proposed open space and ecology mitigation area.

LDP Green Wedge

Paragraph 3.75 of PPW11 excludes the use of land for outdoor sport and recreation and other uses which maintain openness from the definition of inappropriate development within Green Wedges.

The proposed public open space and ecology mitigation area would maintain the openness of the Green Wedge, and would ensure that land is permanently maintained free of built development. Accordingly the proposed development would accord with LDP policy SP6.

Best and Most Versatile Land

The application is accompanied by an Agricultural Land Classification (ALC) survey which confirms the majority of the site contains Grade 3a land, with a small area of Grade 2.

Paragraph 3.59 of PPW11 advises that BMV land should only be developed where there is an overriding need for the development and either previously developed land or land of lower grade is unavailable, or is subject to other constraints that outweighs the agricultural considerations. Where BMV land needs to be developed and there is a choice of land available, PPW11 advises that development should be directed to land of the lowest grade.

BMV land was a key consideration throughout the LDP Sustainability Appraisal and site selection process. Sites have only been allocated for residential development where there is an overriding need for development, with either previously development land or land in lower grades being unavailable. Having regard to this, and that the site is allocated for residential development in the LDP, the requirements of para 3.59 of PPW11 are met.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

The land proposed for use as open space and ecology mitigation is bounded to the south east by the Shrewsbury to Chester railway line, to the north-east by the dwelling Pandy Farm and 1-4 The Mews, to the north-west by Plas Acton Cemetery and the LDP housing allocation to the south-west. Development of the LDP allocation would render it landlocked, making it impractical to utilise as part of a larger agricultural holding. The use of this parcel of BMV land for open space and ecology mitigation would therefore not be a sustainable reason for refusal.

Layout and Design: The submitted plans provide for a varied site layout comprising of recognisable groupings of dwellings within the site, a varied street scene together with areas of soft landscaping and open space. The variety of house types ensures that the proposal would deliver an attractive form of development

The development would provide 1, 2, 3, 4 and 5 bedroom dwellings. The majority of the dwellings would be 2 storey, however 23 x 2.5 storey dwellings are also proposed. Whilst the majority of development in the vicinity is 2 storey, there are 2.5 storey dwellings in Church Lea to the south. The proposed 2.5 dwellings would be viewed in an urban context and would not be unduly prominent from nearby or longer distance viewpoints.

There would be areas of open space either side of the main spine road through the site, as well as a large area of open space at the north-eastern end of the site. Cumulatively these areas exceed LDP policy CF2 requirements. The open space areas vary in size and would fulfil a variety of functions including informal recreational opportunities and contributing to the overall character and appearance of the development. The large north easterly area of open space would also contribute towards surface water management by accommodating soakaways.

The proposed site layout would ensure high levels of natural surveillance of highways, pedestrian footpaths, parking areas and areas of public open space.

The application is accompanied by an Arboricultural Impact Assessment (AIA) which has identified 3 trees within the site as being 'Category A' (high quality) and 5 trees as being 'Category B' (moderate quality). These trees would be retained and protection measures would be required whilst construction works take place. An Arboricultural Method Statement could be secured by a suitably worded condition.

Having regard to the above, the proposed development would accord with LDP policies DM1, NE3 and CF2.



Figure 1. Proposed Site Layout

Residential Amenity: Separation distances between the proposed dwellings and all existing nearby dwellings accords with guidance in Local Planning Guidance Note 21. The proposed development would result in some overlooking of the gardens of dwellings in Church Lea to the south. However, a degree of overlooking would not be unusual in an urban context. The proposed dwellings would also be a sufficient distance away from the boundary such that adjacent occupiers would not experience an unacceptable loss of privacy.

The site layout also accords with LPG21 in respect of separation distances and garden provision within the development. Future occupiers would therefore be provided with appropriate living conditions.

The application is accompanied by a Noise Impact Assessment (NIA). The NIA considers the impact of noise from trains passing along the adjoining Shrewsbury to Chester Railway line. The NIA recommends that the gardens of three plots closest to the railway line should be enclosed with a 1.8m high acoustic fence and three dwellings be provided with a high specification of glazing to elevations exposed to railway noise. A suitably worded condition could require the implementation of the acoustic mitigation measures.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

Having regard to the above and subject to the implementation of the acoustic mitigation measures recommend in the NIA, the proposed development would accord with LDP policy DM1.

Affordable Housing: The site is within the North Wrexham and Gresford sub-market area where policy H2 applies a 25% affordable housing requirement. The submitted plan shows 23 affordable dwellings comprising of 12 x 2 bedroom flats and 11 x 2 bedroom terraced dwellings.

The affordable houses would be grouped together, with 17 in a courtyard. The remaining 6 would face onto the principal access road serving the development. The affordable houses are considered to be an integral part of the overall site design rather than being distinctly separate, and are of the same architectural style and standard as the proposed market dwellings.

Having regard to the above, the affordable housing provision accords LDP policy H2. The affordable housing provision would be secured as part of the Planning Obligation.

Public Right of Way: Footpath Gwersyllt no.30 crosses the site parallel to the northern boundary and provides an important pedestrian route between Pandy and Rhosrobin.

The route of the footpath would not be altered. However the path would be widened to 3 metres and hard surfaced along its entire length across the site. Around half of the path would be bounded by development with the remainder crossing the proposed open space. The footpath would benefit from far higher levels of natural surveillance from proposed dwellings than is presently the case. The development would deliver a significant improvement to the footpath to the benefit of existing local residents and the future occupiers of the development.

Ecology: The application is accompanied by an Ecological Impact Assessment. The report recommends Reasonable Avoidance Measures in respect of Great Crested Newts and badgers. The development would also both retain and enhance boundary hedges, thus maintaining connectivity for bats. A mature oak tree that offers bat roost potential would also be retained. A dedicated Great Crested Newt mitigation area would be provided. This together with planting proposed within the development and public open space would secure net benefit to biodiversity (NBB).

NRW and the Council's Ecology Officer raise no objections subject to the implementation of the above measures. This could be secured by suitably worded conditions. A Planning Obligation would be required to secure the long term management of the Great Crested Newt mitigation area.

Having regard to the above, the proposed development would accord with LDP policies SP14 and NE1. The measures referred to above would also ensure the development minimises any impact on species and habitats,

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

therefore according with the Step-Wise Approach outlined in the recently updated Chapter 6 of PPW11.

Highway safety: The development would be accessed from Llay New Road via a new four way roundabout at the existing Llay New Road / Rhosrobin Road junction. The Transport Assessment accompanying the application concludes that capacity at the junction in 2026 would be similar with the proposed roundabout and traffic generated by the development than if the development did not proceed and roundabout not installed.

The Transport Assessment also concludes that the Plas Acton Road / B5425 Llay New Road junction would operate within capacity in 2026 with traffic generated by the development traffic included, assuming it had been upgraded to signal controlled junction. These works have already been implemented by the developers of the land to the south between the A483 and the Shrewsbury to Chester railway line in accordance with requirements of a condition imposed on planning permission P/2016/0189.

Parking provision for the 1 bedroom flats and 2 bedroom dwellings accords with the maximum advised by LPGN16. The majority of the 3, 4 and 5 bedroom dwellings have 2 spaces, which is less than the LPGN16 maximum. However the site is within 1km of Ysgol Gynradd Gwersyllt and Gwersyllt district centre, both on Dodds Lane. There are also bus stops on Llay New Road adjacent to the proposed site access served by the no.33 route between Wrexham and Llay. The service is half hourly weekdays and Saturdays and hourly on Sundays. The site is therefore in a sustainable location, offering future occupiers options to travel by non-car modes. Some of the internal estate roads would also have hard surfaced areas to provide visitor parking spaces. It is therefore unlikely the proposed on-site parking provision would give rise to highway safety issues either within the development or on any adjoining roads.

The Highway Officer raises no objections. Having regard to this and the matters above, the proposed development accords with LDP policies DM1, T1 and T2.

Air Quality: The application is accompanied by an Air Quality Assessment (AQA) which considers the impact the traffic to and from the proposed development would have on air quality. The AQA concludes that the development would not have a significant impact on air quality.

The Council's Public Protection Officer accepts the findings of the AQA. The development would not adversely affect local quality and therefore accords with LDP policy DM1.

Phosphorous: In accordance with NRW's advice for proposed developments within river SAC, the proposed development has been assessed to determine whether it is likely to have a significant effect on the River Dee and Bala Lake SAC.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

The site would connect to the main foul water sewer network. Foul water from the site would drain to Five Fords Waste Water Treatment Works (WWTW). The Environmental Permit for the WWTW has recently been reviewed. Welsh Water have confirm that:

- The WWTWs has the capacity to accommodate the additional wastewater in compliance with revised Environmental Permit limits; and
- The sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

Having regard to the above, the proposed development is unlikely to have a significant effect on the River Dee and Bala Lake SAC. In such terms it accords with LDP policies NE1 and NE6.

CONCLUSION

The proposed housing development would take place within a LDP housing allocation. The plans ensure an appropriate form of development would be undertaken on the site in terms of layout, form, open space provision, ecological enhancement, trees, landscaping and parking. The open space and landscaping would provide areas for informal recreation whilst also enhancing the biodiversity value of the site and providing areas for surface water drainage. The scheme therefore accords with relevant LDP policies in respect of detailed matters.

RECOMMENDATION A

That planning permission be granted subject to the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of 23 affordable houses, contributions to additional secondary education provision and the management and maintenance the on-site public open space and habitat mitigation area (with the Chief Officer Economy and Planning given delegated authority to determine the final form and content of the Obligation) and to the conditions below.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act, as detailed above, is not completed within six months of the date of this Committee resolution, the Chief Officer Economy and Planning be given delegated authority to REFUSE planning permission subject to the reasons below.

1. In the absence of a mechanism to secure the provision affordable housing, the proposal conflicts with policy H2 of the Local Development Plan.
2. In the absence of a mechanism to secure an appropriate contribution towards the provision of secondary education, the proposal conflicts with policy SP5 of the Local Development Plan.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

3. In the absence of a mechanism to ensure the development makes inadequate provision for the long term maintenance of on-site open space, the proposal conflicts with policies DM1 and CF2 of the Local Development Plan.
4. In the absence of a mechanism to secure provision for the long term maintenance of the off-site habitat area, the proposal conflicts with policy NE1 of the Local Development Plan.

CONDITION(S)

1. The development hereby permitted shall be commenced before the expiry of five years from the date of this permission.
2. The development shall only be carried out in strict accordance with the details shown on the approved drawing referenced:
Flat Type F Plans and Elevations PHTD Fa
House Type BRADMAN Elevations PL DIN 2
House Type BRADMAN Floors PL BRAD 1
House Type DINAS Elevations PL DINA 2
House Type DINAS Floors PL DINA 1
House Type DEGANWY SEMI (Dys) Render PD / Dys re-1
House Type DEGANWY SEMI (Dys) Brick PD / Dys br-1
House Type DEGANWY DETACHED Plans and Elevations with Render PL Dy re 1
House Type BODFARI 2 Plans and Elevations with Render PL BF re 2
House Type BODFARI 1 Plans and Elevations Brick PD BODF br 1
House Type DERWEN STANDARD LAYOUT PL DERW 2
House Type DERWEN Elevations PL DERW 1
House Type DERWEN Elevations GF Rear Handed PL DERW 1
House Type 3BS Ver 2 Elevations PL 3BSv2/1
House Type 3BS Ver 1 Elevations PL 3BSv1/1
House Type CONWAY Elevations PL CONWAY 1
House Type ARMITAGE Plans and Elevations PL DERW 1
House Type RICHMOND 2 Brickwork PD RICH 2 re
House Type RICHMOND 1 Brickwork PD RICH 1 br
House Type LLANFERRES Plans and Elevations RTSV PL DERW 1
House Type LLANFERRES LF btsv Plans and Elevations PL LLAN 2
Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4
Proposed Road Layout 31976-SUT-ZZ-XX-DR-C-615-0001 Rev P03, and as contained within the application documentation.
3. Prior to their use on the development samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in strict accordance with such details as are approved.
4. No part of the development shall commence until full details of a hard and soft landscaping and boundary treatment scheme together with a timescale for the implementation of works, have been submitted to, and approved in writing by, the Local Planning Authority.
5. The landscaping and boundary treatment scheme approved in connection with condition no. 4 shall be fully implemented in all respects

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

within the agreed timescale and in strict accordance with the approved scheme.

6. The planting and boundary treatment scheme implemented in connection with condition nos. 4 and 5 shall be permanently retained. Any planting or boundary treatment which becomes severely damaged or seriously diseased, or is in poor physiological condition and/or are removed without the written permission of the Local Planning Authority, shall be replaced within the next available planting season by boundary treatment, trees or shrubs of similar size and species to those originally required to be planted / constructed.

7. Within three months of the commencement of development a Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be managed and maintained in strict accordance with these details as are approved.

8. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. hours of working; and
- ii. a scheme of dust management;
- iii. a scheme to manage the impacts of construction noise and vibration.

9. No part of the development / works shall commence until details of a programme of archaeological works in accordance with a written scheme of investigation, prepared and to be carried out by a suitably qualified archaeologist, for the duration of the construction works has been submitted to, and approved in writing by, the Local Planning Authority. The archaeological programme of works must meet the standards laid down by the Chartered Institute for Archaeologists.

10. The works shall be carried out in strict accordance with the archaeological programme of works, approved in connection with condition no.9, and a copy of the resulting report should be submitted to and approved in writing by the Local Planning Authority and the Development Control Archaeologist, Clwyd Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670), within 2 months of completion of the fieldwork. On approval the digital archive shall be submitted to the Historic Environment Records Officer at Clwyd-Powys Archaeological Trust and the National Monuments Record, RCAHMW (nmr.wales@rcahmw.gov.uk).

11. No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the Local Planning Authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

12. Each part of the site subject to the remediation under the scheme(s) approved as part of condition no. 11 shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

13. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:

- a) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
- b) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
- c) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction Exclusion Zone, including any related sections and method for avoiding damage to retained trees;
- d) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;
- e) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;
- f) Method for protecting retained trees during demolition works;
- g) Details of all proposed tree works, including felling and pruning.

14. The noise mitigation measures contained within the noise assessment report referenced P21-297-R01V03, dated November 2021, hereby approved, shall be fully implemented prior to the first occupation of any dwelling hereby permitted.

15. No part of the development shall commence until a scheme of external lighting has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall have regard to best practice guidance provided by the Institution of Lighting Professionals

([https://www.theilp.org.uk/resources/free-resources/ilp-guidance notes/](https://www.theilp.org.uk/resources/free-resources/ilp-guidance%20notes/)). The external lighting scheme as required must include the following:

- a) Location and height of proposed lighting,
- b) An Isolux diagram for the proposed lighting scheme to a distance that includes sensitive premises, and
- c) Design of columns and any proposed hoods.

The lighting shall be installed in strict accordance with the scheme as is approved prior to first use of the development, and shall thereafter be permanently retained in a fully operational condition.

16. No part of the development shall commence until an invasive non-native species (INNS) protocol has been submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the proposed

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

measures of containment, control and removal of INNS on site. These measures as are approved shall be fully implemented on site prior to first occupation of the development.

17. Prior to commencement of development, a plan showing the accurate location of the public sewer assets which cross the site shall be submitted to, and approved in writing by, the Local Planning Authority. No development shall take place within 3 metres either side of the public sewer assets as identified on the plan.

18. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating how foul water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with a timescale to be agreed as part of the submitted details and maintained thereafter.

19. No part of the development shall commence until a long-term management and surveillance plan, covering a period of a minimum of 24 years and 364 days, has been submitted to and approved in writing by the Local Planning Authority. This plan should comprise, but not be limited to:

- i. Defined aims and objectives (for each identified ecological feature);
- ii. Management prescriptions for each identified ecological feature;
- iii. contingency prescriptions if adverse factors such as invasive non-native species colonize the site;
- iv. Skills, competencies and licensing requirements for habitat management and surveillance;
- v. Long term annual surveillance with results uploaded to the Wales Monitoring database;
- vi. Proposed changes to tenure (Amphibian and Reptile Conservation (ARC) or North Wales Wildlife Trust;
- vii. Proposals that regulators can utilise in the event of lack of inappropriate actions being carried out on site;
- viii. Resource provision;
- ix. Contingencies in the event of mitigation for the features of interest not being effective.

The measures as are approved shall thereafter be fully implemented in accordance with the approved timescales, all to be agreed in writing before any part of the development commences on site.

20. No part of the development shall commence until the following details together with a timescale for implementation, have been submitted to, and approved in writing by, the Local Planning Authority:

- i. Fencing and security for the ecological mitigation area to prevent access by people and pets;
- ii. Establishment of the herb-rich grassland including soil preparation and species;
- iii. Pond creation including lining and contingency measures.

The details as are approved shall be implemented in all respects within the agreed timescale and thereafter permanently retained.

21. No part of the development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to ground water has been submitted to, and

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

approved in writing by, the Local Planning Authority. The piling / foundation designs shall be implemented in accordance with the approved details.

22. The development shall be carried out in strict accordance with the findings and recommendations contained within the Ecology Assessment as carried out by Hodnett T. and dated 2021, numbered 1025-Rhosrobin Report V2a, approved as part of this application. The mitigation and compensation measures hereby approved shall be fully implemented prior to first use of the development.

23. Prior to first use of the development the site and access shall be laid out in strict accordance with approved plans referenced: Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4 and Proposed Road Layout 31976-SUT-ZZ-XX-DR-C-615-0001 Rev P03.

24. The vehicular parking areas as shown on approved drawing referenced: Proposed Site Plan VRR-SAL-A1-ZZ-DR-A-0600 Rev P4 shall be fully laid out, surfaced and drained prior to first use of the development. This parking area shall thereafter be permanently retained and kept free of any obstruction, and made available solely for the parking of motor vehicles at all times.

REASON(S)

1. To comply with Section 91(3) of the Town and Country Planning Act, 1990.
2. To comply with section 71ZA (2) of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
5. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
6. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with policy DM1 of the Wrexham Local Development Plan.
7. To ensure landscape features are properly considered and protected in accordance with policy DM1 of the Wrexham Local Development Plan.
8. To protect the amenities of the occupiers of nearby properties in accordance with policy DM1 of the Wrexham Local Development Plan.
9. The site may contain archaeological remains which should be recorded if they are damaged in accordance with policy SP15 of the Wrexham Local Development Plan
10. The site may contain archaeological remains which should be recorded if they are damaged in accordance with policy SP15 of the Wrexham Local Development Plan
11. In the interests of the amenities of the future occupants of the buildings in accordance with policy DM1 of the Wrexham Local Development Plan.

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

12. In the interests of the amenities of the future occupants of the buildings in accordance with policy DM1 of the Wrexham Local Development Plan.
13. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s) in accordance with policies DM1 and NE3 of the Wrexham Local Development Plan.
14. To protect the amenities of the future occupiers of the development in accordance with policy DM1 of the Wrexham Local Development Plan.
15. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect local habitat in accordance with policies DM1 and NE1 of the Wrexham Local Development Plan.
16. To prevent the spread of non-native species in accordance with policies DM1 and NE1 of the Wrexham Local Development Plan.
17. To protect the integrity of the public sewer and avoid damage thereto in accordance with policy DM1 of the Wrexham Local Development Plan.
18. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with policy DM1 of the Wrexham Local Development Plan.
19. In order to protect wildlife interests, which are afforded special protection in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
20. In the ecological interests of the site in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
21. To minimise any impacts of the development upon sensitive receptors in accordance with policy DM1 of the Wrexham Local Development Plan.
22. To protect named species / habitats / biodiversity which would otherwise be damaged / lost by the development hereby permitted in accordance with policies SP14 and NE1 of the Wrexham Local Development Plan.
23. In the interests of highway safety in accordance with DM1 of the Wrexham Local Development Plan.
24. To provide for the parking of vehicles clear of the highway in accordance with policy DM1 of the Wrexham Local Development Plan.

NOTE(S) TO APPLICANT

The site is close to Footpath Gwersyllt 30 which will need to be temporarily closed during the construction of this development. An application to the public rights of way section should be made for a traffic regulation order, 8 weeks prior to the commencement of development.

All works in relation to the implementation of this permission, including deliveries to and /or leaving the site, should be undertaken only between the hours of 07.30 to 18.00 Monday to Friday, 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday. Outside these times, any works which are audible beyond the site boundary have the potential to cause unreasonable disturbance to neighbouring premises.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60 Notice where

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

deemed necessary, and failure to comply with such a Notice can result in prosecution.

The applicant is further advised that any complaints received relating to noise of any type from the development may also be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints. This is done under the Statutory Nuisance provisions provided within the Environmental Protection Act 1990, and legal action may be taken where appropriate.

The applicant must adhere to the times given above wherever possible. If, however, there are urgent or unavoidable circumstances requiring work outside of the specified times, permission to proceed may be sought by contacting Environmental Health & Housing Standards at healthandhousing@wrexham.gov.uk or 01978 292040. Please use the same contact details for any other enquiries regarding construction / demolition site noise.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:

- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care with regard to waste disposal;
- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Environmental Health & Housing Standards Team on healthandhousing@wrexham.gov.uk or 01978 292040 for further advice and information.

Further advice on compliance with condition no. 11 and 12 may be obtained by contacting the Council's Contaminated Land Officer on 01978 298771 or 298333, or contaminatedland@wrexham.gov.uk

Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Contaminated Land Officer prior to commencement of works on site.

The scheme of arboricultural supervision required in connection with condition no.14 above shall make provision for a pre-commencement site meeting between the Local Planning Authority's Arboriculturist, the Developer/ Applicant/ Agent and their appointed Arboricultural Supervisor to agree matters of detail. It shall specify the frequency of arboricultural monitoring and reporting to the Local Planning Authority on the status of all tree protection measures throughout the course of the development and make provision for the submission and approval of a satisfactory arboricultural completion statement

The scheme of landscaping referred to in the above conditions shall include

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

any changes to ground levels (shown by existing and proposed contours/levels) and any existing vegetation (showing that to be retained) and proposed planting. In addition, any of the following which apply to the particular site must be included:-

means of enclosure, car parking layout, access and circulation areas, materials for hard surfaced areas, any minor structures (e.g. refuse stores, lamp columns, play equipment) location of services, and any historic landscape features to be retained/improved.

This permission is granted subject to the above conditions. Some conditions may require your attention prior to you carrying out any work on the proposal. These conditions are known as ""conditions precedent"". You should be aware that it is important that you comply with any ""conditions precedent"". If you do not, then any work you undertake on the development subject of this permission would not have planning permission.

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties in that section include the following:

*** Notice of initiation of development**

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The forms set out the details that must be given to the Local Planning Authority to comply with this duty.

*** Display of notice**

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details that the person carrying out development must display to comply with this duty.

The person carrying out development must ensure that the notice is:

- a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- b) Legible and easily visible to the public without having to enter the site; and
- c) Printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Detailed advice has been issued by Natural Resources Wales (NRW) which is available on the Council's planning applications website.

Following the commencement of Schedule 3 of the Flood and Water Management Act, the works as proposed are required to obtain approval from

REPORT OF THE CHIEF OFFICER ECONOMY AND PLANNING – 8 JANUARY 2024

the SuDS Approving Body (SAB) prior to commencement of those construction works. Further details of the SAB, the new national standards, the pre-application advice service and the application for approval process can be found on the Wrexham CBC's SAB webpage:

https://www.wrexham.gov.uk/english/planning_portal/sab/sab.htm or by contacting the SAB Team directly at SAB@wrexham.gov.uk
